

### **REMARKS/ARGUMENTS**

The office action of October 20, 2005, has been carefully reviewed and these remarks are responsive thereto. Claims 1-5, 7, 9, 11-13, and 18-20 have been amended. Claims 6, 8, 10, and 14-17 have been canceled without prejudice or disclaimer. Claims 21-25 have been added. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-5, 7, 9, 11-13, and 18-22 remain pending.

Claims 1-5, 7, 9, 11-13, and 18-20 have been amended to further clarify the scope of the claims. Claims 21-25 have been added. These amendments do not add new matter and are fully supported by Applicants' original written description and drawings.

The Action objects to Applicants' original claim 19 as being a substantial duplicate claim to Applicants' original claim 4. Applicants' have amended original dependent claim 4 to depend on claim 3. As such, the objection of the Action is mooted with the included amendment to dependent claim 4.

#### ***Rejections Under 35 U.S.C. § 102***

Claims 1-9, 13, and 18-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Takaoka et al. (Japanese Patent Publication No. 2002214760, hereinafter *Takaoka*). Applicants respectfully traverse this rejection.

Applicants' amended independent claim 1 recites, among other features,

wherein the step of performing repair method steps substantially based on etching processes includes processing the defect in a central region of the defect to completely remove the defect in the central region and processing the defect in an edge region of the defect to partially remove the defect in the edge region,

wherein in the edge region in relation to the original height of the defect, between 20% and 50% of the defect is not removed prior to the step of performing defect repair method steps substantially based on mechanical processes.

In order to reject a claim under 102(b), each and every feature of the claim must be taught by the reference. *Takaoka* fails to teach or suggest at least Applicants' claim 1 features recited above. As *Takaoka* fails to teach or suggest each and every feature of Applicants' independent claim 1, withdrawal of the rejection is respectfully requested. In addition, the amendment to claim 1 is

allowable over the art of record as none cure these deficiencies of *Takaoka*.

Applicants' claims 2-5, 7, 9, 13, and 18-20, which depend from claim 1, are patentably distinct over the art of record for at least the same reasons as their ultimate base claim and further in view of the novel features recited therein. In addition, Applicants' new claims 21-22 also depend from claim 1 and are at least patentably distinct over the art of record for the same reasons as claim 1.

***Rejections Under 35 U.S.C. § 103***

Claims 10-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Takaoka* in view of the conference proceedings as provided in the publication "High precision mask repair using nanomachining," by M. Verbeek and R. White, a lecture at the 18<sup>th</sup> European Mask Conference on Mask Technology, Jan. 15-16, 2002 (hereinafter *Publication*). Applicants respectfully traverse this rejection.

Applicants have canceled claim 10 without prejudice or disclaimer. Applicants' claims 11-12, which depend from claim 1, are patentably distinct over the art of record for at least the same reasons as their ultimate base claim and further in view of the novel features recited therein. The *Publication* reference fails to cure the deficiencies of *Takaoka* noted above with respect to claim 1. As such, withdrawal of the rejection of these claims is respectfully requested.

***New Claims 23-25***

New claims 23-25 have been added to further clarify the scope of protection of the claims. The addition of new claims 23-25 do not add new matter and are fully supported by Applicants' original written description and drawings. In addition, the art of record fails to teach or suggest, either alone or in combination, each and every feature of Applicants' new claims.

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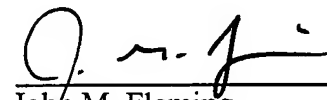
### **CONCLUSION**

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. Should the Examiner find that a telephonic or personal interview would expedite passage to issue of the present application, the Examiner is encouraged to contact the undersigned attorney at the telephone number indicated below. Applicants reserve the right to file one or more divisional and/or continuation applications addressed to the claims canceled in this Amendment. No fee is believed due, however, if any fees are required or if an overpayment has been made the Commissioner is authorized to charge or credit Deposit Account No. 19-0733. Applicants look forward to passage to issue of the present application at the earliest convenience of the Office.

Respectfully submitted,  
**BANNER & WITCOFF, LTD.**

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